

The developer, Mark Kelton, requested the postponement of action in order to investigate whether or not the open space should be maintained through City Open Space Districts or through a Homeowner's Association with a "ghost" City Open Space District in place should the HOA not properly maintain the highly visible slopes.

Mr. Kelton, in his letter dated June 12, 1992, indicated that he would like the City to proceed with forming the open space district and assess the property owners for maintenance for fiscal year 1992-93.

According to Article 1, Chapter 2, Part 2 of Division 15 of the California Streets and Highways Code, also known as the "Landscaping and Lighting Act of 1972", proceedings for the formation of an assessment district must be initiated by resolution. The resolution must:

1. Propose the formation of the district pursuant to the above referenced part of the Landscaping and Lighting Act.
2. Describe the improvements.
3. Describe the proposed assessment district and specify a distinctive designation for the district.
4. Order the City Engineer to prepare and file a report in accordance with Article 4 of Chapter 1 of the Landscaping and Lighting Act.

The district proposed to be formed is for Canyon View Homes. The City Engineer has prepared the report for Council's consideration and approval.

Report on Proposed Open Space District No. 24 Canyon Views

I. Background

This report is prepared pursuant to City Council direction and in compliance with the requirements of Division 15, Part 2, Chapter 1 of the Streets and Highways Code of the State of California and the Chula Vista Municipal Code, Sections 17.07.

On August 9, 1988, by Resolution 13726, Council approved the tentative map for Canyon View Homes, Chula Vista Tract 88-8. The final map (Map No. 12507) was approved on October 27, 1989 by Resolution 15369. One of the conditions of approval required that the open space lots created by the map be included within an open space maintenance district. The developer, Canyon View Homes, has petitioned for the formation of an open space maintenance district to maintain said lots. However, since the petition was received, a number of properties have been sold thereby requiring a public hearing for the formation of the district.

II. Boundaries of District

The boundary of the district corresponds to the boundary of Chula Vista Tract 88-8, Canyon View Homes and is shown on the Assessment Diagram on file in the Office of the City Engineer. A reduced copy, Attachment A, is included in this report. As permitted in the Streets and Highways Code Section 22571, the details of the individual lots (lines, dimensions and bearings) to be maintained are shown in the County Assessor's Maps for the properties on file in the San Diego County Assessor's office.

III. Maintenance Items

The areas to be maintained by maintenance contract consist of four open space lots totalling 119,746 square feet and designated as Lots C, D, E and H on the Assessment Diagram. These are the highly visible slopes adjacent to East H Street and Rutgers Avenue. The facilities and items of maintenance included within the District are as follows:

1. Maintain landscaping and irrigation system improvements within the designated open space lots.
2. Maintain the stucco walls located within the open space lots.
3. Maintain drainage facilities within the open space lots.

The proposed maintenance program for Open Space District 24 consists in general of the following:

1. Repair, removal, or replacement of all or any part of any improvement.
2. Irrigation, fertilization, trimming, and replacement of dead or diseased landscaping.
3. Weed abatement.
4. Removal of trimmings, trash and litter.

IV. Cost Estimate

The estimated annual cost for maintenance of Open Space Maintenance District No. 24 Canyon Views is \$27,210. This preliminary estimate is based on information obtained from the developer and has been reviewed by the City Open Space Coordinator.

Even though we do not expect to take over the district for maintenance for a couple of months, staff proposes to assess for the full year. Under the Code, a 50 percent reserve is required, but it can be built up over a five-year period. Spreading this reserve over five years would require a 10 percent higher assessment each year. By assessing for the full year, the reserve would be built up in the first year without this increase to the first year's assessments.

V. Assessment Schedule

The proposed district will contain 40 single family attached units. The proposed distribution of assessments is shown in Attachment B For purposes of distributing assessments, each single family unit is equivalent to one assessment unit. The estimated annual assessment for a typical single family unit is \$680.26 which is less than \$60/month.

Options

There are four options that could be considered for this District.

- 1) Create the Open Space District as proposed with the first year assessment of \$680 per unit.
- 2) Include this District in a "Scenic Corridor" District.

At the Council meeting of July 23, 1991, Council also directed staff to investigate the feasibility of creating an Open Space District for slopes and medians along scenic corridors. Staff has done some preliminary research on this "Scenic Corridor" District and has identified the following which need to be considered/answered:

- a) How are irrigation and electrical systems set up? Are these systems isolated from local open space systems? How much will it cost to retrofit these systems to allow inclusion to an overall district?
- b) How should the City handle areas in which an HOA maintains the "Scenic" slopes, such as in EastLake?
- c) How should the City handle the different levels of landscaping from one area to another? One area might require more irrigation than another due to the type of plantings.
- d) Should the district include only slopes along the Scenic Corridor or all slopes visible from the roadway.